

82-00157

OFFICE OF THE ATTORNEY GENERAL



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STATE OF ALABAMA

JAN 26 1982

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Honorable Frankie Fields Smith
Judge
Municipal Court
Prichard, AL 36610

Municipalities -- Prisons
and Prisoners -- Pardon and
Parole -- City Councilmen

Power to parole rests with
municipal parole board and
president pro tempore of
city council may not parole
a municipal prisoner.

Opinion by Assistant Attorney
General Smith

Dear Judge Smith:

The Office of the Attorney General has received your opinion request. Your request states that the President Pro Tempore of the City Council of Prichard, acting in the absence of the Mayor and the President of the Council, paroled a defendant from city jail. You also state:

The facts of the matters are that defendant in this matter had been convicted and fined in several cases in which he filed appeals, which cases were remanded from the Appeals Court with sentences and/or fines reinstated. Also, he had several new cases in which there

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had been no adjudication by the
Municipal Court. As a matter of
fact, the cases had not been heard
at all by the Court.

You wish to know whether such action was legal.
Your question is answered in the negative.

Under Code of Alabama 1975, §§ 15-22-70 through
15-22-77 the power to parole municipal prisoners is
vested in the municipal parole board. Therefore, it is
the opinion of this office that a member of the city
council, acting independently, has absolutely no
authority to parole a municipal prisoner.

I do hope that this response sufficiently answers
your inquiry. If, however, we may be of further
service, please to not hesitate to contact us.

Sincerely yours,

A handwritten signature in cursive script, reading "Charles A. Graddick".

CHARLES A. GRADDICK
Attorney General

CAG:es